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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,735	11/13/2002	Jesse D. Crum	33880	6176
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HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108				
EXAMINER EICKHOLT, EUGENE H				
ART UNIT		PAPER NUMBER		
2854				

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,735

Applicant(s)

CRUM, JESSE D.

Examiner

Eugene H Eickholt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-45 is/are allowed.
- 6) ☒ Claim(s) 1-4, 12 and 15-28 is/are rejected.
- 7) ☒ Claim(s) 5-11, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Claims 1-4, 15-17 and 28 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Flaherty et al.

In col. 5, lines 35-38, areas 7-15 are adhesive backed labels which are die cut and supported by liner 17B. Column 5, lines 32-22 teach a printable surface area 2.

Either adjacent areas 7-15 are support sections for each other with each being a removable section partially bordering an adjacent support section. The "liquid" of the cured liner is identified at col. 11, line 34. This cured liquid liner is applied to face stock identified as paper. See the discussion at col. 4, lines 16-18, col. 4, lines 24-26 and col. 10, lines 20-35. The bond paper of col. 6, line 1 reads on claim 2.

Claim 3 is anticipated by col. 8, line 14. The portions 2-15 read on claim 4. Exposure to cure the liner using VV is well known in the art as evidenced by the col. 10, lines 10-65 use of either a 400 or 600 watt H lamp which reads on claims 15-17. Printing on both sides of the substrate as recited in claim 28 is taught at col. 13, line 38 which reads on the "top printable" surface of claim 1 and bottom surface of claim 28.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flaherty et al in view of Boudouris et al.

Flaherty et al does not use a magnetic portion with his label. Boudouris et al teaches use of a magnetic portion having a printable top layer 12 as called for in claim 12. See the first embodiment description. It would have been obvious to substitute in Flaherty et al's label to have a magnetic printable substrate label for one or more of the labels 7-15. Motivation would have been the use of the magnetic subportion to hold on a metal wall a detached label.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art cited above as applied to claim 1 above, and further in view of Mertz et al.

Flaherty et al does not use either a cured water-based or cured acrylic liquid as the liner material. Mertz et al at col. 7, line 51 teaches the water-base and solvent-base of claims 18 and 20 with col. 7, lines 58-59 teaching acrylic-base adhesives as recited in claim 19.

Metz et al teaches liquid form application of the above adhesives using roll coating. See col. 3, line 53. Use of the release liners covering the printed substrate on both sides is taught at col. 1, lines 59-60. It would have been obvious to select any of these silicone adhesives for the liner 17B of Flaherty et al. Motivation is explicitly provided in Mertz et al of using low non-reacted silicone materials for controlling unwanted volatiles emissions. See col. 1, lines 18-20 and lines 63-66 of Mertz et al.

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Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art cited above as applied to claim 1 above, and further in view of Attia et al.

The thickness of the liner 17B of Flaherty et al is not set forth. However, Attica et al teaches the silicone release coating composition can be extremely thin ranging from 0.1 to 0.5 mils which reads on claim 21.

It would have been obvious to make the silicone release agent 18B of Flaherty et al (see col 9, line 63) this thin as taught by Flaherty et al. Motivation would have been to use as little a coating as possible to save costs of materials.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art cited above as applied to claim 1 above, and further in view of Hansen et al.

Liner and die cut depth are not specifically set forth in Flaherty et al. Hansen et al uses a "thin liner" defined at page 4, left-hand col. 1, line 3, as "less than or equal to 1.25 mils" which reads on claim 21. Hansel et al further stops short of completely cutting through the label to avoid damage to such a thin liner. See paragraph 0024.

To stop within 3 mils as in claim 22 is not specified but would be an obvious depth of cut revealable from routine experimentation. It would have been obvious to make the liner of Flaherty et al thin and to cut less than completely through the paper stock as taught by Hansel et al. Motivation would have been the Hansel et al teaching of reducing recycling costs found at page 3, paragraph 0020 and the need to avoid cut-thru of the thin liner. See page 4, paragraph

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0024 teaching that thin is a significant technical advance by use of "micro bridging" for cutting the cut out.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art cited above as applied to claim 1 above, and further in view of Roth.

Roth teaches in col. 4, lines 15-20 that die-cut 22a may be continuous and rectangular in form. See Fig. 1, label 13. It would have been obvious to have the labels 7-15 of Flaherty et al formed by a an endless cut to make label removal easier and avoid dust caused by perforated cuts.

Roth references teach rectangular label shapes as common. Label A of Roth et al reads on claim 25. Liner 14 of Roth et al is co-extensive and reads on claim 26 covering the bottom entirely. This would have been obvious with the liner 17B of Flaherty et al where all of the top surface needs to have an adhesive beneath to be removable and attachable.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art cited above as applied to claim 1 above, and further in view of Hansen et al.

Temporary liner or carrier 106 of Hansen et al is the only liner applied as called for in claim 27. It would have been obvious to use the Hansen et al carrier 106 in place of the liner 17B of Flaherty et al to take advantage of the reduced wastage motivated by Hansen et al's previously explained "thin" liner teaching.

Claims 5-11, and 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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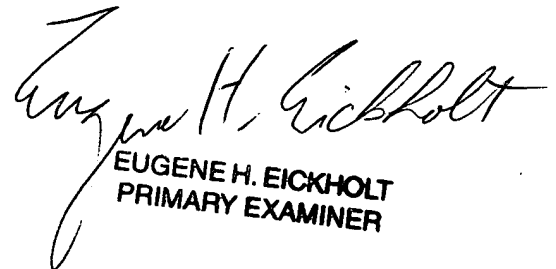
Claims 29-45 stand allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A shortened statutory period of 3 months is set to respond.

E EICKHOLT/pj

12/22/03


EUGENE H. EICKHOLT
PRIMARY EXAMINER

Any inquiry concerning the specifics of this communication should be directed to Examiner Eickholt, who can be reached Tuesday through Thursday. Inquiries of a general nature should be directed to the TC2800 receptionist.

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